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BAKER, MAXHAM

P.02

Official

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MATTHEW J. LEADER, and JEFFREY A. GRAVES

Serial No: 08/648,676

Filed: 5/16/96

For: A SENSOR CARTRIDGE
FOR A FLUID ANALYTE
ANALYZER

FAX RECEIVED

JUN 16 1999

GROUP ART UNIT: 1744 GROUP 1700

EXAMINER: T. Tung

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b) and (c))**

This is a substitute for a previously filed duplicate terminal disclaimer.

SenDx Medical, Inc. represents that it is a corporation with an address of 1945 Palomar Oaks Way, Carlsbad, CA 92009. It is the owner of all right, title and interest in and to the above-identified application and the invention claimed therein.

It is also the owner of all right, title and interest in and to U.S. Patent Applications Nos.: 08/648,694 and 08/649,009.

On behalf of SendX Medical, Inc., I hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Applications Nos.: 08/648,694

and 08/649,009. I hereby agree that any patent so granted on this application will be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on this application and is binding upon the grantee, its successors or assigns.

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For submissions on behalf of SendX Medical, Inc., the undersigned (whose title is supplied below) is empowered to act on behalf of SendX Medical, Inc.


In making the above disclaimer, I do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

No fee is due. A check in the amount of \$110.00 was previously submitted to cover the terminal disclaimer fee in accordance with 37 CFR 1.20(d). Please credit any overpayment or charge any additional fee to Deposit Account No. 02-0460.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date:

6/16/99


Freling E. Baker
Attorney for Applicant
SendX Medical, Inc.

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